

ADOPTED

Senators Anderson of the 43rd and Payne of the 54th offered the following amendment:

1 *Amend the Senate Committee on Judiciary substitute to SB 288 (LC 28 9712S) by inserting*
2 *after "restriction" on line 251 "under this subsection" and by inserting the following after*
3 *line 301:*

4 (6) When an individual was convicted in this state of an offense for which that individual
5 has been granted a pardon from the State Board of Pardons and Paroles as provided in the
6 Constitution and Code Section 42-9-42, provided that the offense was not a serious
7 violent felony as such term is defined in Code Section 17-10-6.1 or a sexual offense as
8 such term is defined in Code Section 17-10-6.2, and provided, further, that such
9 individual has not been convicted of any crime in any jurisdiction, excluding any
10 conviction for a nonserious traffic offense, since the pardon was granted, and provided,
11 further, that he or she has no pending charged offenses, he or she may petition the court
12 in which the conviction occurred to restrict access to criminal history record information.
13 Such court shall maintain jurisdiction over the case for this limited purpose and duration.
14 Such petition shall be served on the prosecuting attorney. If a hearing is requested, such
15 hearing shall be held within 90 days of the filing of the petition. The court shall hear
16 evidence and shall grant an order restricting such criminal history record information if
17 it determines that the harm otherwise resulting to the individual clearly outweighs the
18 public's interest in the criminal history record information being publicly available.